

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION

No. M 02-1486 PJH

ORDER

This document Relates to:

All Indirect Purchaser Actions

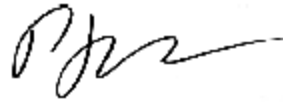
Before the court is a Stipulation and Proposed Order entered into by all parties, which would result in a stay of pretrial activity in all transferred indirect purchaser actions, and any future indirect purchaser actions transferred to, or filed in, this district. The stipulation would not apply to Petro Computer Systems, Inc. et al. v. Micron Technology, Inc., et al., Case No. C 05-2472 PJH, an indirect purchaser action previously filed in this district. The stipulation contemplates that all previously filed motions (including those filed in Arps v. Micron Technology, Inc. et al., Case No. C 05-4076 PJH; McKinnon v. Micron Technology, Inc., et al., Case No. C 05-3492 PJH; Maher v. Elpida Memory, Inc., et al., Case No. C 05-3629 PJH; and Smith v. Micron Technology Inc., et al., Case No. 05-3493 PJH) would remain “pending and on file” with the court.

While the court approves the Stipulation and Proposed Order insofar as it stays all further action on indirect purchaser cases other than Petro, motions may not remain “pending and on file” for an indefinite, unspecified period of time on this court’s docket. Rather, if the parties do not wish to pursue those motions currently, they must withdraw them without prejudice to re-filing at a later time. The parties may submit a revised

1 stipulation addressing the court's concerns.¹

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3 **IT IS SO ORDERED.**

4 Dated: January 3, 2006



PHYLLIS J. HAMILTON
United States District Judge

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¹ The court also notes that the parties' stipulation incorrectly states that motions to dismiss are on file in McKinnon (Case No. C 05-3492 PJH), Maher (Case No. 05-3629 PJH), and Smith (Case No. 05-3493 PJH). In fact, no such motion has been filed in any of these actions, and the parties are encouraged to correct this error in any revised stipulation.